

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare Department – Nizamabad District – Kammarpally Village & Mandal - Acquisition of land for an extent of Ac.11.33 guntas for provision of house sites to the weaker section people – Payment of Rs.10,43,276/- towards decretal charges in A.S.No.32861/99 against OP.No.519/92 – Permission accorded - Orders Issued.

SOCIAL WELFARE (LA) DEPARTMENT

G.O.Rt.No. 854

Dated:-04.12.2008.

Read the following:-

1. From the District Collector, Nizamabad, Lr.No.G2/2341/2002, dated.9.02.2008.
2. From the Commissioner of Social Welfare, A.P., Hyderabad,Lr.Rc.No.LA2/13854/2000, dated.20.03.2008.

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OR D E R:-

The Commissioner of Social Welfare, A.P., Hyderabad, in his letter 2nd read above, while forwarding the proposals of the District Collector, Nizamabad, in his letter 1st read above, has requested the Government to release an amount of Rs.10,43,276/- (Rupees ten lakhs forty three thousand two hundred and seventy six only) towards balance decretal charges in AS.No.32861/99 against OP.NO.519/92 to comply with the Court orders.

2. The Land Acquisition Officer, Kammarpally (V) & (M), has acquired the land for an extent of Ac.11.33 gts of patta land situated at Kammarpally Village & Mandal of Nizamabad District for providing house sites to weaker section people. The LAO has fixed the market value as Rs.12,325/- per acre. The awardees having not satisfied with the rate fixed by the LAO sought for reference under section 18 of the LA Act, to the Civil Court for adjudication. On the reference, the Addl. District Judge, Nizamabad by order dated.23.08.1999 in OP.No.519/1992 has enhanced the Land Compensation from Rs.12,325/- to Rs.10/- per sq.yard and allowing with all benefits under LA, Act. Aggrieved by the orders of the Lower Court, the LAO/RDO, Nizamabad has filed an appeal in the Hon'ble High Court of A.P., Hyderabad. The Government Pleader for appeals has opined that it is not a fit case for filing appeal before the Hon'ble High Court. The MRO/LAO has requested the Commissioner of Social Welfare, AP, Hyderabad to release the decretal charges for depositing in the Lower Court. In this regard, the Commissioner of Social Welfare, Hyderabad has instructed the LAO to file an appeal in the Hon'ble High Court with appropriate grounds. Accordingly, the Division Bench of High Court has enhanced the compensation from Rs.10/- per Sq.yard to Rs.55/- in its judgment dated.24/4/2001. The MRO, Kammarpally has contacted the G.P. for appeals for his opinion on the above judgment. The G.P. has opined that the judgment dt.24.4.2001 in AS.NO.2861/99 of the claimants no purpose will be served by filing LPA to a Division Bench of High Court. Hence, it is not advisable to file LPA against the order dt.14.2.2002 in AS.No.69659/2001.

3. Further, the Commissioner of Social Welfare, AP, Hyderabad has examined the case and permitted to file the SLP in terms of the conditions laid down in G.O.Rt.No.146, dt.18.2.2001. The MRO has been permitted to file SLP in the Hon'ble Supreme Court of India. The Apex Court has modified the order of the High Court and reduced the land value from Rs.55/- to Rs.40/- per sq.yard.

4. The Commissioner of Social Welfare, AP, Hyderabad was released an amount of Rs.85,63,586/- towards decretal charges in OP.No.519/92 vide proceedings dt.11/9/2006 to the District Collector, Nizamabad as per orders issued by the Government. The MRO, Kammarpally has informed that E.P.No.103/02 in OP.No.519/92 is still pending for deposit of balance decretal charges of Rs.10,43,276/-

5. Government, after careful examination of the above proposal, hereby accord sanction for an amount of Rs.10,43,276/- (Rupees ten lakhs forty three thousand two hundred and seventy six only) towards balance decretal charges in AS.No.32861/99 against OP.NO.519/92 to comply with the Court orders for the lands acquired for providing house sites to the weaker section people of Nizamabad District.

6. The expenditure sanctioned in para (5) above shall be debited to "2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes - 01- Welfare of Scheduled Castes – M.H.283 - Housing - G.H.11-Normal State Plan - SH(08) Acquisition of House sites to weaker sections under Indiramma Programme - 310/312 – other Grant-in-aid" from the available provision during B.E.2008-09.

7. The Commissioner of Social Welfare, A.P., Hyderabad, is requested to issue necessary proceedings to the District Collector, Nizamabad, to comply with the Court orders.

8. The District Collector, Nizamabad, shall verify the calculation sheet submitted by the Land Acquisition Officer once again before issue of proceedings for releasing the amount, if any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

9. This order issued with the concurrence of Finance (Exp.SW) Department vide their U.O. No.31555/544/A1/Exp.SW/08, dated.27.11.-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Social Welfare, A.P., Hyderabad.
The District Collector, Nizamabad.

Copy to:
The Director of Treasuries & Accounts, A.P. Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The Accountant General, A.P., Hyderabad.
The Dist. Treasury Office, Nizamabad.
Finance (Exp.SW/BG) Department.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER